

REMARKS

In response to the Office Action mailed January 13, 2004, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the amendments and remarks contained herein place the instant application in condition for allowance.

Claims 1, 2, 6-12 and 16-34

In the Office Action, claims 1, 2, 6-12 and 16-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,999,611 to Tatchell et al. ("Tatchell") in view of U.S. Patent 6,400,652 to Goldberg et al. ("Goldberg"). Applicants traverse the rejections as follows.

Applicants have herein amended independent claim 1 to clarify that the intelligent resource server is "for placing an outgoing communication to a prior calling party based on recognition of the predetermined keyword [spoken by the telecommunications user], wherein the audible message [that is played for the telecommunications user] contains an identifying information regarding the prior calling party and prompts the telecommunications user to place an outgoing communication to the prior calling party."

Applicants submit that claim 1, as amended, is not obvious in view of Tatchell and Goldberg because the references, either alone or in combination, do not teach or suggest each and every element of claim 1. *See* MPEP § 2142 (stating that one of the elements of a *prima facie* case of obviousness is that "the prior art reference (or references when combined) must teach or suggest all the claim limitations").

Tatchell is directed to a subscriber interface that integrates fragmented telephone systems and enables subscribers to access and activate telephone network services using voice recognition technology. *See* Tatchell, column 3, lines 20-43. However, Applicants respectfully

submit that nowhere does Tatchell teach or suggest, among other things, an the intelligent resource server “for placing an outgoing communication to a prior calling party based on recognition of the predetermined keyword [spoken by the telecommunications user], wherein the audible message [that is played for the telecommunications user] contains an identifying information regarding the prior calling party and prompts the telecommunications user to place an outgoing communication to the prior calling party,” as claimed in claim 1.

Goldberg is directed to a recording system that is configured to detect a triggering event and to automatically record a desired program. *See* Goldberg, column 1, lines 50-67. Applicants submit that the Goldberg reference is of no aid to the Office in establishing a prima facie case of obviousness because it too, like Tatchell, fails to teach or suggest, among other things, an intelligent resource server for placing an outgoing communication to a calling party based on a telecommunications user responding to a message that identifies the calling party. Nor did the Office rely on the Goldberg reference for disclosing or suggesting such a feature.

Therefore, Applicants submit that claim 1 is not obvious in view of Tatchell and Goldberg. Further, Applicants submit that claims 2-8, which depend from claim 1, are also nonobvious in view of the references cited in the Office Action. *See* MPEP § 2143.03 (if an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious).

Independent claims 11, 22, 26 and 31 have also been amended to contain language similar to amended claim 1. Therefore, for reasons analogous to those set forth previously with respect to claim 1, Applicants submit that independent claims 11, 22, 26 and 31, as well as their respective dependent claims, are not obvious in view of the cited references. According, Applicants respectfully request that the § 103(a) rejections associated with claims 1, 2, 6-12 and 16-34 be withdrawn.

Claims 3-5 and 13-15

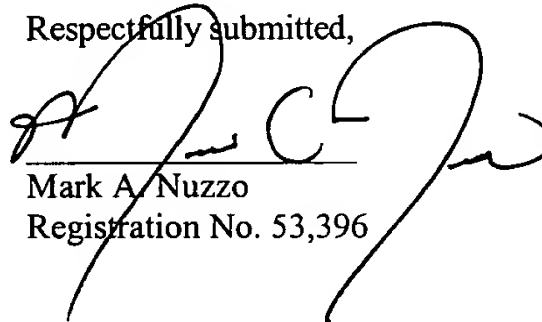
In the Office Action, claims 3 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tatchell and Goldberg in view of U.S. Patent 5,796,806 to Birckbichler (“Birckbichler”). In addition, claims 4 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tatchell and Goldberg in view of U.S. Patent 5,784,438 to Martinez (“Martinez”), and claims 5 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tatchell and Goldberg in view of U.S. Patent 6,173,050 to Malik (“Malik”).

Claims 3-5 depend from independent claim 1 and claims 13-15 depend from independent 11. For reasons stated hereinabove, Applicants submit that independent claims 1 and 11 are not obvious over Tatchell in view of Goldberg. In addition, MPEP §2143.03 states that if an independent claim is not obvious under 35 U.S.C. §103(a), then any claim depending therefrom is not obvious over the cited references. *See* MPEP §2143.03. Therefore, Applicants submit that claims 3-5, which depend from claim 1, and claims 13-15, which depend from claim 11, are not obvious in view of Tatchell and Goldberg for reasons stated hereinabove. Accordingly, Applicants respectfully request that the §103(a) rejections associated with claims 3-5 and 13-15 be withdrawn.

CONCLUSION

Applicants respectfully request issuance of a Notice of Allowance for the subject application. If the Examiner is of the opinion that the subject application is in condition for disposition other than allowance, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below, in order that the Examiner's concerns may be expeditiously addressed.

Respectfully submitted,



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